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Attorneys for MACKENZIE ANNE THOMA, on behalf of herself
and all others similarly situated

**IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MACKENZIE ANNE THOMA, a.k.a
KENZIE ANNE, on behalf of herself
and all others similarly situated
employees,

Plaintiffs,
v.

VXN GROUP LLC, a Delaware limited
liability company; STRIKE 3
HOLDINGS, LLC, a Delaware limited
liability company; GENERAL MEDIA
SYSTEMS, LLC, a Delaware limited
liability company; MIKE MILLER, an
individual; and DOES 1 to 100,
inclusive,

Defendants,

CASE NO. 2:23-cv-04901-WLH

[Assigned for all purposes to the Hon.
Wesley L. Hsu]

**DECLARATION OF SARAH H.
COHEN IN SUPPORT OF
PLAINTIFF'S OPPOSITION
TO DEFENDANTS' MOTION
TO DISMISS FIRST AMENDED
COMPLAINT AND CLASS
CLAIMS**

DECLARATION OF SARAH H. COHEN

I, Sarah H. Cohen, declare and state:

1. I am an attorney at law, duly licensed to practice before all the Courts of the State of California and I am an attorney with Bibiyan Law Group, P.C, counsel of record for plaintiff Mackenzie Anne Thoma (“Plaintiff” or “Ms. Thoma”) and all others similarly situated and aggrieved. As such, I am familiar with the file in this matter and if called as a witness I could and would competently testify to the following facts of my own personal knowledge.

2. Counsel for Defendants, Mr. Eric Clopper (“Mr. Clopper”), failed to comply with Local Rule 7-3 by failing to meet and confer regarding the filing of Defendants’ Motion to Dismiss Plaintiff’s First Amended Complaint by September 27, 2023. Rather, Defendants did not attempt to meet and confer until October 9, 2023. Attached hereto as **Exhibit A** is a true and correct copy of Mr. Clopper’s October 9, 2023 email.

3. I responded to Mr. Clopper that same day on October 9, 2023 informing him that while Plaintiff is willing to meet and confer in good faith, it is not possible to meet and confer in compliance with Local Rule 7-3 as that deadline was September 27, 2023 based on the October 4, 2023 responsive pleading deadline. Attached hereto as **Exhibit B** is a true and correct copy of the October 9, 2023 response.

4. Mr. Clopper admitted his untimeliness but was “optimistic” this Court would essentially ignore the Local Rule 7-3 meet and confer requirement and the FRCP timing requirements for filing a responsive pleading. Attached hereto as **Exhibit C** is a true and correct copy of Mr. Clopper’s response.

5. On October 12, 2023, Mr. Clopper, for the first time, raised substantive issues relating to the amendments in FAC. This was over two weeks after Defendants’ deadline to meet and confer pursuant to Local Rule 7-3. Attached hereto as **Exhibit D** is a true and correct copy of Mr. Clopper’s email.

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6. Despite Defendants' untimeliness, on October 20, 2023 at 4:00 p.m., Plaintiff met and conferred in good faith via Zoom videoconference. The Parties engaged in a detailed discussion regarding the amendments but were unable to reach any agreements.

7. There were no other meet and confer attempts relating to the present motion undertaken by Defendants after Plaintiff filed her First Amended Complaint.

Executed on this 27th of October, 2023, at Los Angeles, California.

/s/ Sarah H. Cohen

Sarah H. Cohen

CERTIFICATE OF SERVICE

MACKENZIE ANNE THOMA, v. VNX GROUP, LLC, ET AL.
2:23-CV-04901-WLH(AGRx)
CENTRAL DISTRICT OF CALIFORNIA

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 8484 Wilshire Blvd., Suite 500, Beverly Hills, California 90211.

I certify that on October 27, 2023, I electronically filed the following document(s) described as **DECLARATION OF SARAH H. COHEN IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS FIRST AMENDED COMPLAINT AND CLASS CLAIMS**, and that they are available for viewing and downloading from the Court's CM/ECF system, and that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system. Further, I certify that the foregoing documents were served by electronic transmission to the below referenced electronic e-mail address as follows:

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LLC; STRIKE 3 HOLDINGS, LLC;

GENERAL MEDIA SYSTEMS, LLC; and

MIKE MILLER

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 27, 2023, at Beverly Hills, California.

/s/ Bryant Gamez

Bryant Gamez

PROOF OF SERVICE